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SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 August 2000, at 10 a.m.

Chairman: Ms. MOTOC

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(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

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GE.00-14828 (E)

The meeting was called to order at 10.05 a.m.

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD;

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT (agenda item 5) (E/CN.4/Sub.2/2000/17, 18, 19 and 41)

1. Ms. WARZAZI began by paying tribute to the memory of the recently-deceased Edmond Kaiser, founder of Terre des hommes. He had been the first to alert the international community to the problem of excision, a taboo subject at that time.

2. Introducing her report, she said that, although few in number, government replies concerning implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) had risen slightly over the previous year.

3. She noted with satisfaction the welcome given to the resolution on customary and traditional practices submitted by the delegation of the Netherlands at the most recent session of the General Assembly. That text, which had been sponsored by 130 delegations, contained Sub-Commission recommendations on the subject and targeted not only female genital mutilation, but all harmful practices.

4. Her report constituted an updated account of national and international measures taken to combat female genital mutilation. For the first time, other practices victimizing women, such as honour killings, were taken up. In that connection it should be noted that the King of Jordan had tried unsuccessfully to have legislation amended so as to ensure that persons found guilty of such crimes received a sentence proportional to the seriousness of their action. Similarly, the Pakistan Government had been unable to secure a legislative amendment from the Senate, which consisted mainly of conservatives.

5. Mention should also be made of dowry-related violations in India, the fate of widows, and the rape and prostitution of young girls from certain castes. She urged Asian non-governmental organizations (NGOs) to provide her with all the information they had about such practices, because it was their responsibility to work to change the fate of women in Asia. Africa had proved that the will to act against harmful traditional practices could yield tangible results.

6. A number of new initiatives and activities had been launched that year. In July, a conference attended by African women ministers and members of parliament had been held in Namibia, where participants had renewed their commitment to eliminate all forms of violence against women and teenage girls, and female genital mutilation in particular. Furthermore, OAU had agreed to incorporate in a protocol to the African Charter on Human and Peoples' Rights a draft convention on the elimination of all forms of harmful practices affecting the fundamental rights of women and the girl child.

7. A commitment by Governments and NGOs and the implementation of a policy of awareness-raising and education for the communities concerned were required in order to alter backward attitudes.

8. Mr. SIK YUEN noted with satisfaction that Morocco, the Special Rapporteur's country, and Mauritius, his own country, were among the nine countries which had sent her replies. He suggested that members should watch the WHO video on excision, which was very instructive. The current figure for women who had suffered genital mutilation was 130 million, a number that was increasing by 2 million a year.

9. Female genital mutilation was not just a matter of concern for women, but was linked to how fundamental rights were perceived by men. Great efforts must be made in the area of education throughout the African continent, wherever that archaic practice still occurred. It was high time to put an end to the practice, and he paid tribute to the Special Rapporteur's efforts to that end.

10. Mr. GUISSÉ congratulated the Special Rapporteur on her exhaustive report. The implementation of legislation forbidding female genital mutilation could not achieve the desired results unless it was accompanied by awareness and information programmes. It should be noted that, originally, sexual mutilations, such as circumcision and excision, had been practised for purification purposes, removing a part of the body that was thought to contain germs. For that reason, efforts should focus on information to drive home the message that today there was no justification for those practices. Criminalizing excision would not deter those who believed it necessary from breaking the law.

11. He asked the Special Rapporteur also to consider the situation of women who were unable to have children. In some societies, discrimination against such women was so serious that they were given no more respect than animals. Experts on discrimination should also take up that question.

12. Ms. MBONU said that Ms. Warzazi should be given all due credit for having raised awareness about female genital mutilation - for a long time a taboo subject - among the international community, and for having shown great tenacity in the face of Governments which had been reluctant to reply to her requests for information. In accordance with the recommendations of Ms. Warzazi, the Beijing Platform for Action provided for measures to raise the international community's awareness of that matter.

13. It was very satisfying to note that Ms. Warzazi's work had had concrete results, notably in her own country, Nigeria, where NGOs had done very effective work. They had created awareness of the harmful effects of female genital mutilation even among the inhabitants of rural areas. At the special session of the General Assembly devoted to follow-up of the Beijing Conference, education had been deemed the most efficient way of eradicating that practice. The ministers responsible for women's issues present at that session had conveyed that message to their respective Governments. The movement initiated by Ms. Warzazi had spurred the NGOs, which were now playing a very active part in the struggle against female genital mutilation but Governments must also show genuine political will in that domain.

14. Mr. YOKOTA said that Ms. Warzazi's reports had raised consciousness not only in the countries affected, but also in his own country, Japan, where NGOs and women's associations had joined in action to combat female genital mutilation.

15. The Governments of affected countries must, of course, be the first to take responsibility, but the international community must offer its help in ending the practice as soon as possible, instead of letting Governments fend for themselves. The importance of education and awareness within the population, together with psychological and medical assistance, could not be overemphasized.

16. Ms. FREY, referring to practices other than female genital mutilation, said that in some parts of Ghana there existed a custom called "trokosi": young virgin girls were offered as slaves to a shrine either in gratitude to a deity or to atone for the offence of a relative. The girls were exploited, and were made to do such things as clean the shrine, work in the fields and act as sexual slaves for religious dignitaries. Generally the girls spent the whole of their lives as slaves and, if a girl died, her family had to replace her with another young girl.

17. The Ghanaian Government and several NGOs had taken important steps to abolish that practice and to liberate its victims. In 1998, an Act had been passed prohibiting trokosi and other forms of ritual bondage. Several national institutions were involved in the campaign to abolish trokosi, the most important government body being the Commission on Human Rights and Administrative Justice, which had conducted in-depth investigations, submitted recommendations for its abolition to Parliament and brought together NGOs engaged in combating it. The Commission and several NGOs had successfully liberated approximately 2,000 young girls by the end of 1999. Rehabilitation centres had been established in the Volta region to offer them vocational training.

18. Nevertheless, an estimated 3,000 women and girls continued to be subjected to the practice in Ghana. The police and law enforcement agencies were not yet enforcing the 1998 Act, and some women had remained in shrines or had been forced by their families to return to them. NGOs were hampered by lack of funds and disagreements among themselves, and the Ghanaian Government had not provided adequate financial backing for the Commission to carry out its statutory mandate to investigate and abolish trokosi. The Sub-Commission should encourage the Government to give force to the legislation by prosecuting those responsible and providing adequate funding for the liberation and rehabilitation of victims.

19. Ms. DAES expressed regret that, although efforts were being made at all levels, excision continued to be practised. She supported the proposal to organize three seminars on the question in Africa.

20. Mr. RODRIGUEZ CUADROS congratulated Ms. Warzazi on her reports on traditional practices affecting the health of women and the girl child. They played a very important role in raising public awareness of the seriousness of those practices, which could never be tolerated in the name of cultural relativism. The universality of human rights in general and the dignity of women in particular must override any other consideration. It was therefore reassuring to note the increase in the number of NGOs and African Governments that were mobilizing to combat such practices. In order to overcome them it was not sufficient to legislate. The laws enacted

must be properly enforced and respected. To that end, it was essential to conduct information and education campaigns aimed at convincing the public of the danger inherent in those practices.

21. In her report, Ms. Warzazi reviewed national, regional and international initiatives. The draft convention on the elimination of traditional practices harmful to the fundamental rights of women and the girl child which was being developed within OAU, would undoubtedly play a prominent part in that respect.

22. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking on behalf of her own and 14 other NGOs (Asia Pacific Forum on Women, Law and Development, Femmes Africa Solidarité, International Alliance of Women, International Catholic Migration Commission, International Council of Jewish Women, International Federation of Business and Professional Women, International Federation of University Women, World Federation of United Nations Associations, Women's International League for Peace and Freedom, World Organization against Torture, Zonta International, Socialist Women International, World Association of Girl Guides and Girl Scouts, World Young Women's Christian Associations), said that the special session of the General Assembly which had recently taken place in New York had provided an opportunity of reviewing the results achieved in the protection of women's rights and the obstacles encountered since the Beijing Conference.

23. Among the achievements, it could be stated that the rights of women were included in political debates in practically all countries. Decision-makers had realized that, without the effective participation of half of the population, poverty could not be eliminated or development ensured. The fight for women's emancipation now had a worldwide dimension and was growing: women and the girl child had a far wider range of options. Problems such as violence, discrimination, sexual harassment and inequality which they had to face were widely recognized as such and no longer accepted as facts of life.

24. As to the obstacles, violence against women was still rampant in many forms: domestic violence, sexual exploitation, genital mutilation, etc. Women suffered most from poverty. Discrimination against women continued in many regions because of cultural patterns and was in some cases hardening as a backlash against women's gains. Many women were still denied certain rights, such as access to property and credit, reproductive and sexual rights, and the sharing of household and parental responsibilities. Women's achievements were still devalued, causing them to doubt their potential. Decision-making in every field worldwide tended to be dominated by men. In many countries, the media continued to project a negative and degrading image of women.

25. In the document which they had adopted at the close of the special session of the General Assembly and which fell short of NGO expectations, the delegates from 180 countries who had participated in that session had called for tougher measures to combat domestic violence and trafficking in women and girls, and tackled the impact on women of HIV/AIDS and globalization. The document also called for observance of women's rights to inheritance, property and housing, and for a gender perspective in all budgetary processes. For the first time honour killings were mentioned, and traditional practices, including genital mutilation and early forced marriages, were identified as violations of human rights. It called for measures to

eliminate dowry-related violence, the speedy ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, equality between women and men migrants, increased recognition of specific needs and rights of indigenous women and the removal of all discriminatory legislation. Other measures sought included closing the gender gap in primary and secondary education, free compulsory and universal education for both girls and boys, and universal access to high-quality health care, including reproductive health care. The document also called for quotas and other measures to increase women's participation in political parties and parliaments.

26. Ms. Warzazi was to be congratulated on her updated fourth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child. That work must be continued. She therefore suggested a study on "How to transform those cultural practices which discriminate against women and cause irreparable physical, psychological and social damage to women and the girl child".

27. Ms. PARKER (Minnesota Advocates for Human Rights) said that the organization she represented noted with appreciation Ms. Warzazi's "Fourth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child" (E/CN.4/Sub.2/2000/17) and welcomed her intention, in future reports, to investigate the phenomenon of honour killings, which were one of the worst forms of domestic violence.

28. Her organization investigated and helped local NGOs address violations of human rights in different parts of the world. It would shortly publish four reports on domestic violence in Armenia, Moldova, Ukraine and Uzbekistan, and a further report on trafficking in women in Moldova and Ukraine. The conclusion of the reports was that, in those countries, domestic violence was widespread and was not taken seriously by Governments. Many women victims of such violence took jobs abroad to avoid the violence but were often enticed into working as prostitutes.

29. The Sub-Commission was urged to recommend concrete remedies to those problems to concerned Governments. The violation of women's rights was becoming endemic and the Sub-Commission should take greater account of those rights in its activities. In that regard, Mr. Oloka-Onyango and Ms. Udagama were to be commended for their report on globalization, which had examined the situation of women. The specific needs of women should be taken into account in all normative activity relating to globalization.

30. In his working paper on the human rights of the Roma (E/CN.4/Sub.2/2000/28), Mr. Sik Yuen also mentioned the plight of women in that community. She hoped that, in his study of that question, he would offer concrete solutions for the problems faced by those women, and domestic violence in particular.

31. Given the endemic nature of that type of violence, the Sub-Commission should continue to accord it high priority.

32. Ms. AUGILA (World Federation of Trade Unions) said that her organization was very concerned about the violence suffered by women and girls in Afghanistan, which the Special Rapporteur on violence against women described in her report to the fifty-sixth session of the

Commission on Human Rights (E/CN.4/2000/68/Add.1-5). The Taliban forced women to stay in their homes, where they were not even allowed to listen to music. They could no longer walk about freely, study or work. Mothers were forced to beg to provide for their children. Women had been deprived of all their civil and political rights.

33. The highest mortality rate in the world was in Afghanistan. According to Médecins pour les droits de l'homme, 94 per cent of Afghan women suffered from depression.

34. The international community should press its demand that all women's rights be respected. It should also make sure that humanitarian aid was fairly shared between men and women, and that more women joined teams providing assistance to the Afghan people. It was well known that Afghan women were not allowed to speak to men.

35. Her organization associated itself with the Special Rapporteur's appeal to all the Afghan parties, and particularly the Taliban, to immediately end all violations of the fundamental rights of women and girls, and to take urgent measures to repeal all measures, legislative and other, which discriminated against women.

36. Ms. BLONDI BIRD (International Confederation of Free Trade Unions) said that, in all European countries without exception, women were underrepresented in management posts and received lower wages than men for equal work. Irrespective of a woman's ability and training, she had more difficulty in moving to posts traditionally held by men. Sexual harassment in the workplace was also very widespread.

37. At the global level, women's situation had deteriorated. Two thirds of illiterate adults were women. Increasingly, women were entering the workforce but were generally less well paid than their male counterparts and usually held the most insecure and least-paid jobs. Moreover, it was mostly women who were affected by the deterioration of social services. And it was mostly women who took care of children and the elderly.

38. In their excellent report on globalization, Mr. Oloka-Onyango and Ms. Udagama had examined the negative effects on women of structural adjustment programmes and the creation of export processing zones.

39. In June 2000, ILO had agreed to revise the maternity Convention. The new instrument increased maternity leave from 12 to 14 weeks, guaranteed women the right to return to the same job at the end of maternity leave, banned pregnancy tests for prospective employees, improved breastfeeding provision and broadened the scope of the Convention.

40. Her organization invited States to ratify the Convention and take urgent measures to eliminate discrimination against women, and specially sexual harassment, in the workplace. And it requested the Sub-Commission to study gender impact in labour market policies. Lastly, it expressed support for Ms. Warzazi's work.

41. Ms. SHAUMIAN (International Institute for Peace) said that, despite the numerous national and international instruments that had been adopted, equality between the sexes remained a pious hope. During the NGO caucus at the fifty-sixth session of the Commission on

Human Rights, Ms. Joy Ezeilo of the University of Nigeria had stated that poverty, violence and difficulties in access to education were the principal constraints on the advancement of women. In rural regions of developing countries, there had been, in the past 20 years, an increase of 50 per cent in the number of women living in poverty. Lack of access to land remained one of the main obstacles to the full participation of women in rural development. Afghanistan, for example, was experiencing general pauperization of the population, especially women and girls, who, in the name of Islam, were denied access to health care, education and employment.

42. In Pakistan, the Vice-President of the Human Rights Commission, Ms. Noor Naz Agha, denounced violations of women's rights in her country, and honour killings in particular. Women were subjected to particularly serious exploitation; two thirds of them made less than 1,000 Pakistan rupees a month and received no form of social welfare.

43. The violation of women's rights during armed conflicts should be considered a crime against humanity. The international community should take appropriate action against States, groups or individuals responsible for such violations.

44. Her organization called on Governments to implement the Convention on the Rights of the Child, in particular with respect to the girl child, and to act on the recommendations made in the Beijing Declaration and Platform for Action to ensure the protection of girls against all forms of violence, physical or mental.

45. As Mr. Kofi Annan, Secretary-General of the United Nations, had said, as long as abuses against women persisted, the international community could not claim to be making true progress towards equality, development and peace. The international community should make sure that respect for women's rights permeated every legal system and every culture.

46. Ms. SIKORA (Transnational Radical Party) said that, according to WHO, 100 to 132 million women and girls were victims of genital mutilation around the world; every year, a further 2 million girls were at risk of the practice. In Africa, it was estimated that the proportion of women who had suffered genital mutilation ranged from 98 per cent in Somalia to 5 per cent in Zaire. The practice also existed in other ethnic groups in Oman, the United Arab Emirates, Yemen, India, Indonesia and Malaysia.

47. According to health professionals, genital mutilation could have long-term, as well as short-term, health implications if the instruments used were not properly sterilized. It could even lead to death. In fact, it was in regions where the practice existed that the highest maternal and infant mortality rates were recorded. It was estimated that in Sudan one in three girls died following genital mutilation. Other figures showed that over 1 million women in the Central African Republic, Egypt and Eritrea experienced health problems as a result of that practice.

48. In order to put an end to the practice, which constituted a violation of the rights of women and small girls, her organization called on the Sub-Commission to draft and adopt instruments banning female genital mutilation; to carry out systematic country-by-country surveys; to promote information, education and prevention campaigns in order to train health workers; to recognize that the risk of suffering genital mutilation represented a criterion for

providing asylum or humanitarian protection; and to support local women's networks and associations fighting to eliminate such practices in countries where they were linked to cultural and/or religious traditions.

49. Ms. KHAYECHI WAIMA (National Union of Tunisian Women) said that the special session of the General Assembly devoted to the Beijing Platform for Action, five years after its adoption, constituted proof of the political will, both national and international, to ensure respect for the rights of women and involve them in decision-making, not only within their families, but also in the political sphere. However, efforts were still needed in order to give practical effect to the 12 points of the Beijing Platform. A great number of women and girls around the world still had no access to education and health services, were suffering from unemployment and were victims of violence, especially during armed conflicts. The international community must therefore find ways of improving women's situation (in developing countries, in particular) and ensure that they received the financial and technical assistance they needed.

50. Since independence, Tunisia had undertaken to see to it that women's rights were respected, in accordance with the principles of solidarity and democracy. Thus, in 1956, the Code on Personal Status had put an end to polygamy. Currently, 20 or so feminist associations, together with a number of NGOs, were engaging in many activities in the economic, social, cultural and scientific fields. Those associations, in collaboration with State organs, granted micro-credits to women and organized seminars to promote the status of women, particularly in rural areas.

51. The situation of women had greatly improved over the past 10 years or so. Since 1992, after a divorce, women had been entitled to maintenance payments. A solidarity fund had been set up for women, which had enabled 27 per cent of women to receive micro-credits. Women also played a part in decision-making in parliament.

52. In the international sphere, the Tunisian President had in Geneva recently launched an appeal for establishing a solidarity fund to combat poverty. That fund, too, was intended to improve the situation of women.

53. Ms. HAMPSON said she wished to raise three points in connection with Ms. Warzazi's fourth report on the situation regarding the elimination of traditional practices affecting the health of the woman and the girl child.

54. Although the objectives set in the area of women's rights were clear, how they were to be attained was far more complex. The questions concerning women as economic players or their role in the public sphere were indeed important, but the private situation of women, and consequently men, must also be examined. For example, there were very few studies on the role of men as fathers; similarly, although parental responsibility lay with both parents, in some countries fathers had a lot of power but few responsibilities. It was not always easy to remedy the situation. National authorities had two responsibilities: to try to educate and convince, and to point to the path to follow. However, many Governments refused to take initiatives because the questions seemed too complex or because they were afraid of upsetting public opinion. But Governments' duty was not to follow opinion. Their responsibility was to promote the rights of the individual, in the present case the rights of women and girls.

55. The question of forced marriage, i.e. not "arranged" marriages but marriages imposed against the will of one or both parties, caused serious difficulties all over the world. Thus, every year, over 1,000 young girls were sent from the United Kingdom to India, where they were forced to marry a complete stranger. In a welcome recent development, the highest court in Pakistan had asserted, in at least one case, that it was a woman's right to consent to or refuse marriage. It remained the State's duty to enforce domestic laws, in particular criminal legislation, as well as educating its citizens. A State could never be released from the obligation to enforce criminal law when a young woman was murdered for having freely chosen her husband.

56. Similar questions were raised by female genital mutilation. Although some Western NGOs, following Ms. Warzazi's example, had modified their approach to the question, others still tried to impose their viewpoint on other societies. An Ethiopian NGO had, however, mentioned an encouraging case of a father opposing to his daughter's mutilation while her mother, fearing her daughter would be unable to marry, had been in favour of it. That example clearly showed the need for education.

57. The second point concerned the use of medical tests in the administration of justice. In some countries, when a woman claimed to have been raped, she was compelled to take a virginity test. The question at issue was not a cultural one, but actually concerned the administration of justice. She invited countries which said they had no other means of establishing rape to seek help from other countries in training their police officers. Another example was to be found in South Africa, where the test was used to test thousands of young Zulu girls, allegedly to combat HIV/AIDS. First of all, those tests in no way guaranteed that a virgin had not contracted the virus; they were unreliable in establishing chastity; and lastly, they exposed the girls concerned to an increased risk of sexual violence. In fact, many men believed that having sexual relations with a virgin would protect them from contracting the AIDS virus. Quite obviously, there again the Government must intervene, in order to ban those tests, which were completely unjustifiable.

58. The third point was concerned with article 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee on the Rights of the Child had stressed that child victims of sexual violence and prostitution should not be liable to criminal prosecution. However, it seemed that article 3 of the Protocol affirmed the opposite. She thought that the Committee's position was correct and that that article should therefore be reviewed.

59. Lastly, to underline the importance of education, she mentioned the case of Mongolia, where, traditionally, girls had more chances than boys of receiving an education. Now, however, owing to the evolution of society, many shepherds were unemployed and were finding it much more difficult than girls to adapt to the changes of the past 10 years. Local women's NGOs had extended the scope of their activities and achieved such positive results that NGOs from other countries were going to Mongolia to profit from the experience they had acquired. Once again, that example clearly showed the importance of education.

60. Mr. ALFONSO MARTINEZ associated himself with his fellow-members in commending Ms. Warzazi's work. Her report showed how, when one was convinced that one's

cause was right, it was possible to turn it into an issue of major importance. Thus, what had been a taboo subject when she had begun her work was now at the heart of the Sub-Commission's deliberations on item 5. That also showed that international cooperation, rather than confrontation with the authorities or civil society of the countries concerned, could assist in meeting the challenge posed in that area, namely to reconcile cultural traditions with the international standards in force. In other words, it was a matter of striking a balance between local cultures and the need to adapt certain societies to new realities.

61. States had developed remarkably with regard to the dissemination of information. Not only had 9 States directly answered the questions asked by the Special Rapporteur, but the Inter-African Committee had provided her with information about 13 countries.

62. In his view, it was high time to implement the recommendations of the Beijing Declaration and Platform for Action, especially concerning female genital mutilation. Analysis of the question must be continued and efforts must not be relaxed. Although there had been positive developments, the problems had not been solved. Progress could be achieved only by encouraging a change of attitude, through cooperation with the authorities and civil society.

63. Mr. GUISSÉ, responding to Ms. Hampson's remarks, observed that in Western societies, which were very individualistic, the group mentality hardly existed. However, in African societies, the group was all-important and the individual was integrated within it. The child therefore belonged to the entire community.

64. The specific characteristics of societies and their particular problems must be taken into account. In his view, it was not criminal laws that would solve those problems. In practice, information and education must form the basis of all regulation. All efforts to search for solutions must be mobilized. Experience showed that criminal laws enacted in the past had been of little use; trying to abolish traditions through rules of law merely created domestic conflicts.

65. Mr. PINHEIRO considered that Ms. Warzazi's report was useful not only to the Sub-Commission but also to Western NGOs, in that it took account of the specific nature of the societies affected by the problem. The report could also help Western Governments to define policies with respect to women's rights.

66. Ms. CHUNG, referring to Ms. Warzazi's report on traditional practices affecting the health of women and the girl child, said that she had been struck by the Special Rapporteur's determination to end those practices for the sake of the dignity of women and the girl child. In the past few years, progress had been achieved in that domain, as shown by national, regional and global initiatives, including action by the United Nations. However, the international community and NGOs must not relax their efforts.

67. She was pleased to learn of the large number of replies received from Governments. However, she felt that a failure to respond on the part of a Government did not necessarily mean that it was not taking action to eliminate the practices in question. In that respect, the Sub-Commission should encourage States to provide as much information as possible, so that Ms. Warzazi might continue her work.

68. As to other harmful practices, such as honour killings, the Sub-Commission should press Governments to adopt legislation abolishing them.

69. Mr. EIDE said that, in his opinion, Mr. Guissé had exaggerated the differences that existed between European and African society; the two were moving closer to one another. Long talks with African sociologists had taught him that African society had evolved in that respect. In the West, the family and the group occupied a more important place than Mr. Guissé thought.

70. With regard to the primacy of the law, and criminal law in particular, criminal legislation was necessary to ensure the protection of human rights. Mr. Guissé did not attach enough importance to the role of the State in ensuring observance of human rights, notably through education.

71. On the situation in Afghanistan, he was convinced that fundamentalism represented a return to the Middle Ages, shameful for both Islam and humanism. The international community could not remain indifferent to that situation, but must act in concert to end it.

72. Mr. GUISSÉ, quoting an African proverb which said that only people living next to a river really knew how deep it was, said that Mr. Eide could not gain a full knowledge of African society through intellectuals who imitated Western society. In Africa, the members of a family had very strong bonds with each other and the individual counted for less than the group.

73. As to the concept of protection, he pointed out that the Sub-Commission dealt with both the protection and the promotion of human rights; promotion was education, in other words, training in the observance of standards. It was necessary to promote in order to avoid having to protect, or to educate in order to avoid having to enforce criminal legislation. Thus, promotion averted violation.

74. Mr. OGURTSOV considered that no one could remain indifferent to the report prepared by Ms. Warzazi. Female genital mutilation was practised in only a small number of countries, but nevertheless aroused feelings of horror. Honour killings were also appalling. All such crimes must be considered as flagrant violations of human rights. He agreed, however, with the Special Rapporteur that only education and training would make it possible to stamp out such practices, which were deeply rooted in the past; legislative measures alone were not sufficient. Consideration of the question should be continued until such time as those shameful practices were completely eliminated.

75. Mr. PUNJABI (Himalayan Research and Cultural Foundation) welcomed the direction taken by the United Nations system in combating violence and discrimination against women. By placing the question in the context of human rights, the organs and organizations of the United Nations system had given States the responsibility of restoring their fundamental rights to women. Violations of those rights were no longer a private matter between individuals. States were under an obligation to give the Special Rapporteur full information on all matters relating to the realization of human rights for women. In that connection it was regrettable that the

Special Rapporteur had not received any reply in 1999, which had forced her to devote most of her report to female genital mutilation and to make only brief mention of the question of honour killings.

76. The phenomena of female genital mutilation and honour killings were limited to certain geographical regions. The initiatives of the United Nations, coupled with the campaigns of NGOs, were gradually helping to eliminate those inhumane practices. However, other more widespread phenomena constituting gross violations of the rights of women were often passed over in silence. Such was the case, for example, of sexual harassment of women in the workplace, the inhuman practice of aborting unborn daughters, and sexual violence against women in armed conflicts.

77. In the absence of information from States, he urged the Special Rapporteur to take up those issues on the basis of data collected by NGOs, so that the Sub-Commission might take appropriate action.

78. Mr. SETYANA (Netherlands Organization for International Development Cooperation), having described the manner in which excision of young girls was practised in rural areas of Indonesia, stressed that the level of understanding of health and hygiene matters was still very low in those areas, a fact which could have fatal consequences. Although the Indonesian Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women, it had not yet paid attention to traditional practices affecting the health of women and girls. In practice, there had been no change in the condition of women. The laws on marriage, health and labour and criminal law illustrated that problem. In many parts of Indonesia, women suffered injustice within the family, and in many other fields, such as health, the workplace and the law. In a rape case, for example, the victim was required to produce two witnesses in order to obtain compensation, which was very difficult. In the public sector, very few women held managerial positions.

79. Consequently, the Indonesian Government should be encouraged to improve legislation, improve health standards, create a gender-sensitive judiciary, and, above all, fulfil its reporting obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

80. Ms. BHAN (Afro-Asian Peoples' Solidarity Organization) said that, historically, women's subservience was due to economic reasons, but even more to a faulty interpretation of religion. In the context of the Beijing Declaration, which in a way constituted a bill of women's rights at the end of the twentieth century, women in general, and women in south Asia in particular, had a lot of lost ground to cover.

81. Poverty, illiteracy, unequal treatment in all spheres, discrimination and physical violence were phenomena affecting women, in varying degrees, in all countries of south Asia. In some of those countries problems were still aggravated by religious fundamentalism. Pakistan was one such country. Reports of the Commission on Human Rights had revealed that, in 1999, violence against women had increased substantially in Lahore and nearby regions. According to the reports, 266 women in Lahore had been victims of honour killings and 163 others had been burnt alive as a result of dowry-related disputes. Equally horrible was the fact that 15 per cent of

the latter victims had been young girls, mostly brides, and that the murderers had been close relatives. The police had arrested no more than 35 people for those crimes. Worse still was the situation in Sindh where, in 1999, 595 people had been murdered in honour killings. In the entire country, sexual abuse had attained an alarming level; at least 10 women were reportedly assaulted every day.

82. In Afghanistan, things seemed to be even worse, especially in the part of the country ruled by the Taliban. Women were victims of an extremely retrograde social order and were made to remain within the four walls of their homes. In Kashmir, the fundamentalists had long been attempting to subjugate women by imposing on them an equally retrograde code of social behaviour. So far, the Kashmiri women had resisted, drawing strength from their liberal and progressive tradition, but terrorism was making life hellish for them. In India, women also suffered discrimination, but a discrimination that was a result of poverty and unjust social customs, not fundamentalism. In addition, the women's movement in India was very strong.

83. Quite obviously, the struggle which women had to wage in order to fully realize their potential was much more arduous where religious fundamentalism was present.

84. Ms. KAYA (Women's International Democratic Federation) stressed the need for a good level of education in order to participate in development, and particularly in the technology on which globalization was based. However, because two thirds of uneducated children worldwide were girls, the globalization process was harming women, particularly since the privatization of the public sector accompanying that process, especially in the southern hemisphere, had the effect of lowering women's remuneration and sometimes even causing them to lose their jobs.

85. In legal matters women were also at a disadvantage. In many countries, for example, sexual discrimination, harassment and rape were not considered as violations of human rights. Similarly, sexual violations of women during wars were not considered war crimes and were not taken into account in the granting of refugee status.

86. In Turkey, freedom of thought was considered a crime, and women accused of that crime, most of them Kurdish, faced torture. Women in Iraqi Kurdistan were deprived of basic human rights, and suffered humiliation, mutilation and murder. Since 1991, more than 4,000 women had been victims of honour killings in that region, which was devastated by war and civil strife.

87. The State must guarantee women's rights in the legal, political and economic sectors and in the area of education. It must enact legislation prohibiting violations of women's rights. The United Nations must reject all instruments, including laws, that were used to justify violations of women's rights and must impose sanctions on States where women's rights were systematically violated.

88. Mr. NARANG (Indian Council of Education) said that, since the time of the Vienna Conference on Human Rights in 1993, the right to development had been seen as a fundamental right that synthesized all other rights. However, development remained very insufficient, and many sections of society, especially women, continued to be marginalized. Statistics from various sources showed that even nowadays women worked two thirds of the world's working

hours but earned only one tenth of the world's income, and owned less than one tenth of the world's property. In addition, two thirds of the world's illiterates were women, living mainly in the rural regions of developing countries.

89. While modernization, industrialization and globalization had offered new possibilities to upper and middle-class urban women, they had had negative consequences for poor rural women. That point was very clearly made in the political declaration issued at the General Assembly's twenty-third special session on women in the year 2000, held the previous June. Besides the numerous barriers rooted in domestic laws, cultural traditions, social practices and gender-based stereotypes which generally confronted women, they were now faced with new problems, such as AIDS. In Africa, for example, many women were victims of the AIDS virus, especially in South Africa, where 40 per cent of pregnant women were HIV positive and more than one child in 10 had lost its mother to AIDS.

90. Despite their commitment to implement the Beijing Platform for Action, there was an absence of political will and gender sensitivity on the part of Governments. In almost all countries, very few women held managerial posts. The struggle for gender equality was not a women's struggle against men, but rather a struggle for justice and human rights. For women to play a part in the establishment of the new international economic order, the securing of peace and social progress, and the full enjoyment of human rights and fundamental freedoms for all, they must participate in the decision-making process on equal terms and at all levels. Affirmative action was perhaps necessary in order to involve women in political and administrative decision-making bodies. Similarly, measures must be taken in the field of education to eliminate prejudice against women, to spread legal literacy and to sensitize civil society as a whole to the status of women.

The meeting rose at 12.50 p.m.